

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JULY 28, 1993

Mr. D. B. Redington  
Monsanto Company  
800 N. Lindbergh Boulevard  
St. Louis, Missouri 63167

Dear Mr. Redington:

Thank you for your letter of March 30, 1993, in which you urged the agency to provide an exemption from the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations for fluorescent lamps. You also requested that the agency clarify the regulatory status of crushing fluorescent lamps to recover mercury values. In your letter, you discuss "the need to crush bulbs as the first step toward shipment of the materials to a recycler." You expressed concern that crushing of fluorescent lamps might constitute treatment.

With regard to exempting fluorescent lamps from EPA's hazardous waste regulations, the Agency is currently considering various options for regulating the management of spent lamps. We expect to complete this analysis soon and then publish the selected approach in the Federal Register for public comment. We would very much welcome your comments on that proposal. In the meantime, the following provides guidance on the current regulatory status of crushing of fluorescent lamps.

Generally, recycling of hazardous wastes would be defined as treatment under 40 CFR 260.10. Legitimate recycling processes, however, are not subject to RCRA Subtitle C regulation under 40 CFR 261.6(c) except as noted in 40 CFR 261.6(d). If crushing fluorescent lamps that fail the toxicity characteristic is a necessary part of a legitimate recycling process, it would not be subject to RCRA Subtitle C regulatory requirements except as specified in 40 CFR 261.6(d). The crushing activities may occur at the generator's facility, or at the recycler's facility and remain exempt under 40 CFR 261.6(c). You should be aware that any storage of crushed lamps that fail the toxicity characteristic still would be subject to RCRA Subtitle C regulation (e.g., 40 CFR 262.34 for generator accumulation or 40 CFR Part 264 for other storage).

Also note that spent fluorescent lamps contain a small amount of elemental mercury as well as mercury that is bound to the phosphor powder found inside the bulb. The Agency has little data on the potential hazard of mercury releases from bulb breakage or crushing but we are concerned that crushing may present a hazard to worker safety. In our proposal regarding the management of spent fluorescent lamps (described above), the Agency will be requesting data on the potential hazard of breaking or crushing mercury-containing lamps.

The Occupational Safety and Health Administration (OSHA) sets standards for maximum exposure limits for mercury in the workplace. These standards are found at 29 CFR Part 1910; there may also be applicable State worker safety requirements. You should ensure that the crushing operations comply with applicable occupational and health standards.

Under Section 3006 of RCRA, individual States can be authorized to administer and enforce their own hazardous waste programs in lieu of the Federal program. When a State is not authorized to administer its own program, the appropriate EPA Region administers the program and is the appropriate contact for any case-specific determinations. Please also note that under Section 3009 of RCRA, States retain authority to promulgate regulatory requirements that are more stringent than Federal regulatory requirements.

If you have questions about how the recycling and storage requirements apply to your specific activities, you should contact the State agency (or EPA regional office in a State not authorized to administer the RCRA program) for a site-specific determination.

If you have further questions about RCRA Subtitle C regulatory requirements, please contact Charlotte Mooney or Ann Codrington of my staff at (202)260-8551. If you have questions about the proposal regarding the management of spent fluorescent lamps, contact Valerie Wilson at (202)260-4770. Thank you for your interest in the safe recycling of hazardous waste.

Sincerely,

Jeffrey D. Denit  
Acting Director,  
Office of Solid Waste